

AGENDA



BERKELEY CITY COUNCIL MEETING

TUESDAY, FEBRUARY 14, 2012

7:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

TOM BATES, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – DARRYL MOORE
DISTRICT 3 – MAX ANDERSON
DISTRICT 4 – JESSE ARREGUIN

DISTRICT 5 – LAURIE CAPITELLI
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – GORDON WOZNAK

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, CMC, Acting City Clerk, 981-6900.

The City Council may take action related to any subject listed on the Agenda. The Mayor may exercise a two minute speaking limitation to comments from Councilmembers. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Five persons selected by lottery will have two minutes each to address matters not on the Council agenda. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a name card to the City Clerk in person at the meeting location and prior to commencement of that meeting. Five cards will be drawn by the City Clerk to determine the speakers who will be allowed to comment during the first round of public comment on non-agenda matters. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Name cards are not required for this second round of public comment on non-agenda matters.*

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Up to three speakers will be entitled to two minutes each to speak in opposition to or support of a Consent Calendar Item. The Presiding Officer will ask additional persons in the audience to stand to demonstrate their respective opposition to or support of the item.*

In the event that there are more than three persons wishing to speak either in opposition to or support of a "Consent" item, the Presiding Officer will move the item to the beginning of the Action Calendar. Prior to moving the item, the Presiding Officer will fully inform those persons in the audience of this process.

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

The Council will first determine whether to move items on the agenda for action or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action". Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

After hearing from public speakers regarding items remaining on the Consent Calendar, any Council Member may move any Information or Consent item to "Action", however no additional items can be moved onto the Consent Calendar at that point. Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items removed from the Consent Calendar to the Action Calendar for additional public comment, at the time the matter is taken up during the Action Calendar, public comment will be limited to persons who have not previously addressed that item during the Consent Calendar related public comment period.

- 1. Adopting the Operative Principles of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women and Adding Chapter 13.20 to the Berkeley Municipal Code**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,224–N.S. adding Chapter 13.20 to the Berkeley Municipal Code to adopt the operative principles of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.
First Reading Vote: All Ayes
Financial Implications: None
Contact: Jane Micallef, Health Services, 981-7000
- 2. Legislation Related to "Mini-dorms" and Amending the Berkeley Municipal Code**
From: City Manager
Recommendation:
 1. Adopt second reading of Ordinance No. 7,225–N.s. amending Berkeley Municipal Code section 14.72.080.C limiting participation in residential preferential parking program for residents of new group living accommodations or, in the R-2 and R-2A zoning districts, for residents of dwelling units with more than 5 bedrooms to which bedrooms are added after January 1, 2012.

Consent Calendar

2. Adopt second reading of Ordinance No. 7,226–N.S. enacting a new Chapter 13.42 to the Berkeley Municipal Code defining and establishing operating standards for “Mini-dorms”.

First Reading Vote: All Ayes

Financial Implications: Unknown

Contact: Zach Cowan, City Attorney, 981-6950

3. **Organizational Changes to the Health, Housing and Community Services Department, Repealing and Reenacting BMC Chapter 2.50 and Repealing Chapter 2.62**

From: City Manager

Recommendation: Adopt first reading of an Ordinance repealing and reenacting Berkeley Municipal Code Chapter 2.50 and repealing Chapter 2.62 to reflect organizational changes to the Health, Housing and Community Services Department.

Financial Implications: See report

Contact: Christine Daniel, Interim City Manager, 981-7000

4. **Classification: Director and Deputy Director of Health, Housing and Community Services**

From: City Manager

Recommendation: Adopt a Resolution establishing the Director of Health, Housing and Community Services, and Deputy Director of Health, Housing and Community Services effective February 19, 2012; abolishing the classifications of Director of Health Services, Deputy Director of Health Services, and Director of Housing and Community Services; and amending Resolution No.65,376-N.S.

Financial Implications: See report

Contact: David Hodgkins, Human Resources, 981-6800

5. **Formal Bid Solicitation and Request for Proposal Scheduled For Possible Issuance in the Next 30 Days**

From: City Manager

Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

Financial Implications: Various Funds - \$2,278,000

Contact: Robert Hicks, Finance, 981-7300

6. **Contract: Berkeley Unified School District for "Building Effective Schools Together"**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with the Berkeley Unified School District for the "Building Effective Schools Together" (BEST) program in an amount not to exceed \$55,000 for the period of February 15, 2012 through June 30, 2012.

Financial Implications: See report

Contact: Jane Micallef, Health Services, 981-5100

Consent Calendar

7. Ed Roberts Campus Section 108 Loan Amendment

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to:

1. Amend the City's Section 108 Loan for the Ed Roberts Campus (ERC) to reflect any changes in the Section 108 loan terms resulting from a new loan from Northern California Community Loan Fund; and
2. Negotiate and execute all required documents with Northern California Community Loan Fund (NCCLF) and ERC related to the newly structured NCCLF loan, conditioned upon terms which protect future CDBG and City general funds.

Financial Implications: See report

Contact: Jane Micallef, Housing, 981-5400

8. Contract No. 7886B Amendment - Correction: Ratcliff Architects for Facilities Maintenance Building Additional Architectural Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment correcting the amount of Contract No. 7886B with the Ratcliff Architects by \$20,000 for a revised total contract amount not to exceed \$848,000.

Financial Implications: Sanitary Sewer Operation Fund - \$20,000

Contact: Andrew Clough, Public Works, 981-6300

9. Contract No. 8628B Amendment: Columbia Electric, Inc. for Electrical Conduit Installation Service and Repair

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8628B with Columbia Electric, Inc., increasing the contract by \$50,000 for a new total not-to-exceed amount of \$100,000 and extending the term for an additional 2 years to June 30, 2015.

Financial Implications: Street Light Fund - \$50,000

Contact: Andrew Clough, Public Works, 981-6300

10. Contract: Steer Davies Gleave for Consulting Services for the Berkeley Transportation Action Plan

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the consulting firm Steer Davies Gleave for Marketing, Public Relations, and Employer-Based Parking and Transportation Demand Management Outreach, for an amount not to exceed \$145,000 for the period February 1, 2012 through June 30, 2015.

Financial Implications: Metropolitan Transportation Commission - \$145,000

Contact: Andrew Clough, Public Works, 981-6300

Council Consent Items

11. **Removed from Agenda by Councilmember Amend the Constitution to End Corporate Personhood**

From: Councilmember Arreguin

Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

Council Consent Items

12. **Referral: Feasibility of Expanded Plastic Recycling in Berkeley**
From: Councilmembers Wozniak, Wengraf and Mayor Bates
Recommendation: Refer to the Zero Waste Commission (ZWC) to investigate the feasibility of expanding the types of plastics that the City collects and recycles, and report findings and recommendations back to the City Council.
Financial Implications: None
Contact: Gordon Wozniak, Councilmember, District 8, 981-7180

Action Calendar

After the initial ten minutes of public comment on non-agenda items and public comment and action on consent items, the public may comment on each remaining item listed on the agenda for action as the item is taken up. Where an item was moved from the Consent Calendar to Action no speaker who has already spoken on that item would be entitled to speak to that item again.

The Presiding Officer will request that persons wishing to speak line up at the podium to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action Calendar – New Business

13. **Report on Employee Safety and Workers' Compensation**
From: City Manager
Recommendation: Discuss report on Employee Safety and Workers' Compensation, and provide feedback to staff for future consideration.
Financial Implications: None
Contact: David Hodgkins, Human Resources, 981-6800
14. **Response to Questions Regarding Mutual Aid Memoranda of Understanding**
From: City Manager
Recommendation: Approve the remaining Memoranda of Understanding that were not approved on November 8, 2011.
Financial Implications: See report
Contact: Michael Meehan, Police, 981-5900

Action Calendar – Council Items

15. **City Manager Referral: City Policy on Not Ticketing People Who Show Up to Move Their Vehicle When Ticket is Being Written**
From: Councilmembers Worthington and Anderson
Recommendation: Refer to the City Manager a City Policy on NOT ticketing people who show up to move their vehicle, while the ticket is in the process of being written.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Information Reports

16. **Landmarks Preservation Commission Notice of Decision: 1915 Addison Street - Structure of Merit Designation**
From: City Manager
Contact: Wendy Cosin, Planning and Development, 981-7400
17. **Status Report: Equipment Replacement Fund - Sustainability and Transparency**
From: City Manager
Contact: Andrew Clough, Public Works, 981-6300
18. **Status Report: Utilization of Public Works Sewer Staff Can Be Improved**
From: City Manager
Contact: Andrew Clough, Public Works, 981-6300
19. **Report on Regional Bodies Participation-Countywide Transportation Plan**
From: Councilmember Worthington
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
20. **Report on Regional Bodies Participation-Oakland Airport-Community Noise Management Forum**
From: Councilmember Worthington
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Public Comment – Including Items Not Listed on the Agenda –

Adjournment in Memory of:

- Ira Michael “Mike” Heyman, Chancellor, University of California, Berkeley (1980-1990)
- Johnny Otis

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc., 1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

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Archived indexed video streams are available at <http://www.ci.berkeley.ca.us/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of the civic center located at 2180 Milvia Street as well as posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.ci.berkeley.ca.us/citycouncil> and may be read at reference desks at the following locations:

City Clerk Department

2180 Milvia Street

Tel: 510-981-6900

TDD: 510-981-6903

Fax: 510-981-6901

Email: clerk@ci.berkeley.ca.us

Libraries:

Main - 2090 Kittredge Street

West Branch – 1125 University

South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346(V) or 981-7075 (TDD) at least three business days before the meeting date.

Please refrain from wearing scented products to this meeting.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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*I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on February 2, 2012.*

A handwritten signature in black ink, appearing to read 'Mark Numainville', written in a cursive style.

Mark Numainville, Acting City Clerk

## Communications

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record.*

### **Item 15: City Manager Referral: City Policy on Not Ticketing People Who Show Up to Move Their Vehicle When Ticket is Being Written**

1. Frances Kalfus

#### **2325 Grant Site Visit**

2. Mimi Kagehiro

#### **Proposed Ballot Initiative**

3. Patrick Finley, on behalf of Berkeley Budget SOS

#### **Collectives Operating as Dispensaries**

4. Medical Cannabis Commission

#### **Fortune Magazine Article**

5. Jacquelyn McCormick, on behalf of Berkeley Budget SOS

#### **Pet Vaccines**

6. Jill Posener (2)

## **Communications**

### **Police Review Commission Issue**

7. James Beatty

### **Peace Symbol Anniversary**

8. Arnold Passman

### **Block by Block**

9. James Armstrong II